

E-Filed 3/9/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

WILLIAM T. CARTER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS-SANTA
CLARA COUNTY, et al.,

Defendants.

Case Number 5:09-cv-02413 JF (PSG)

ORDER REQUESTING BRIEFING

Defendant County of Santa Clara and its Department of Corrections (collectively, the “County”) move to dismiss the claims of Plaintiff William T. Carter (“Carter”) with prejudice for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Carter has not filed opposition to the motion. At oral argument on March 4, 2011, he represented that his medical condition prevented him from filing within the time allotted by the Civil Local Rules, and he indicated that he would be able to provide supporting documentation. As it advised Carter during oral argument, the Court requires such documentation in order to determine whether Carter’s failure to oppose the instant motion in fact was justified.

Accordingly, on or before March 18, 2011, Carter shall file a letter brief setting forth the basis of his assertion that he was unable to file opposition for medical reasons. Carter should

1 explain how he has been diligent in the prosecution of this case, and he should provide
2 supporting documentation of his illness—for example, date-stamped medical records and written
3 confirmation of doctors' visits signed by the doctors who provided him with medical care. To
4 protect Carter's right to privacy, the letter brief and supporting documentation need not be filed
5 in the public record, but instead should be lodged with the Clerk of the Court for in camera
6 review. The matter thereafter shall be submitted without further argument.

7 **IT IS SO ORDERED.**

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9 DATED: March 9, 2011

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JEREMY FOGEL
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM T. CARTER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS-SANTA
CLARA COUNTY, et al.,

Defendants.

Case Number 5:09-cv-02413 JF (PSG)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk,
United States District Court, Northern District of California.

On March 9, 2011, I served a true and correct copy of the attached document to each of
the persons hereinafter listed by placing said copy in a postage paid envelope and depositing
said envelope in the United States mail, or by placing said envelope in the outgoing mail
delivery receptacle located in the Clerk's Office:

William Carter
6955 Foothill Blvd. #100
Oakland, CA 94605

DATED: March 9, 2011

For the Court
Richard W. Weiking, Clerk

By: _____/s/
Diana Munz
Courtroom Deputy Clerk